

Washington, DC -- Following up on a report in The New York Times that New York Governor Andrew Cuomo's administration is pursuing a plan that would permit hydraulic fracturing in parts of New York, Congressman Maurice Hinchey today urged the governor to take a series of 10 steps before even considering the possibility of any natural gas drilling in the state. The congressman praised the governor for his thoughtfulness on the issue, but said that more steps need to be taken to adequately protect the environment and public health from the risks of the controversial gas extraction process that involves pumping toxic chemicals deep into the ground.

"I commend you for the deliberate and thoughtful way in which you have proceeded with shale gas drilling in New York," Hinchey wrote in a letter sent today to Cuomo. "It is clear that you want to make sure people's water supplies are protected and I applaud the fact that you and your administration have not stood in the way of local communities that have passed hydraulic fracturing bans. However, despite the very hard work of, and sincere efforts by, the New York State Department of Environmental Conservation (DEC) to update New York's rules covering high-volume hydraulic fracturing, serious gaps remain."

Among Hinchey's recommendations to the governor are: a cumulative impact analysis of the impact hydraulic fracturing would have in the state; a full assessment of public health risks; a comprehensive wastewater treatment plan; a rule to create further distance between potential drilling sites and water supplies; a prohibition on the use of toxic chemicals in all fracking fluids; a rule mandating public disclosure of all chemicals used at each well site before drilling commences; a dramatic increase in New York State Department of Environmental Conservation (DEC) resources and staffing to oversee potential drilling; a complete ban on land spreading of fracking waste fluids; alignment of DEC's gas drilling permit rules with the requirements of secondary lending institutions covering oil and gas activity on mortgaged properties; and waiting for the result of the ongoing EPA study of hydraulic fracturing that the congressman initiated.

Earlier this year, Hinchey urged Cuomo to withdraw the state's revised draft Supplemental Generic Environmental Impact Statement (dSGEIS) on high-volume horizontal drilling and hydraulic fracturing in the Marcellus Shale and other areas of New York State. Hinchey said at the time that the current form of the dSGEIS failed to address many of his concerns with the initial draft and also does not account for new information that has been discovered about the environmental, public health and economic risks associated with the natural gas drilling activity.

"We only have one chance to get this right, which is why we must take every possible step to

protect the environment, public water supplies, and the overall health of residents from the dangers of hydraulic fracturing," Hinchey said. "Governor Cuomo has taken some positive steps forward to protect communities from fracking, but much more needs to be done before any consideration should be given to issuing permits for drilling."

Hinchey is a leader in Congress of the effort to protect drinking water and the environment from the risks of hydraulic fracturing. He is a co-author of the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act, which would mandate public disclosure of chemicals used in fracking fluid and close a loophole from the 2005 Bush-Cheney energy bill in order to allow the EPA to regulate fracking activities under the Safe Drinking Water Act. The congressman, who is a member of the House Appropriations Subcommittee on Interior and the Environment, also authored the appropriations language that led to the current EPA study on the risks that hydraulic fracturing poses to drinking water supplies.

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The full text of Hinchey's letter to Cuomo follows:

June 14, 2012

The Honorable Andrew M. Cuomo

Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

As you know, over the last few years I have been actively working to protect the environment, public health and our communities from the risks posed by horizontal drilling and high-volume

hydraulic fracturing. Shale gas drilling has been proliferating rapidly across the country and, unfortunately, too many states have not taken the necessary steps to protect our communities, water resources, air quality, and public health. New York must not follow this path. In response to today's piece in The New York Times entitled "New York Plan Would Restrict Drilling to Struggling Region," I wanted to share my thoughts with you on this matter.

I commend you for the deliberate and thoughtful way in which you have proceeded with shale gas drilling in New York. It is clear that you want to make sure people's water supplies are protected and I applaud the fact that you and your administration have not stood in the way of local communities that have passed hydraulic fracturing bans.

However, despite the very hard work of, and sincere efforts by, the New York State Department of Environmental Conservation (DEC) to update New York's rules covering high-volume hydraulic fracturing, serious gaps remain. As you consider how to move New York forward on this issue, I hope you will take in to account the following recommendations:

A cumulative impact analysis of natural gas drilling in the Marcellus formation to understand the full impact drilling could have on our water resources, air quality, local roads and other public infrastructure.

A full assessment of the public health impacts of gas drilling through an independent Health Impact Analysis, as called for by more than 250 health care professionals in an October 2011 letter.

A comprehensive wastewater treatment plan that details where and how large amounts of flowback and produced water will be treated or disposed, including how toxic or radioactive contaminants will be removed.

The state's proposed setbacks are too close to sensitive water supplies, including private drinking water wells, municipal underground water supplies, and New York City's underground drinking water aqueducts. The state should consider analyses and recommendations from the U.S. Geological Survey and the New York City Department of Environment Protection and further study is needed to determine appropriate setback distances.

A prohibition on the use of toxic chemicals in all fracturing fluids in order to prevent groundwater and surface water contamination. The revised draft calls for operators to "consider" less toxic fracking additives. The state should mandate the use of non-toxic fracking additives and ban the use of carcinogenic and endocrine-disrupting compounds.

Public disclosure of all chemicals used in hydraulic fracturing fluid at each well site, before drilling operations begin. Specifically, the state should require gas companies to publicly disclose all proposed chemical constituents and their percentage by mass before operations commence and disclose the actual chemical constituents and percentage by mass after the operations are completed.

A dramatic increase in DEC resources and staffing devoted to the permitting and oversight activities related to high-volume hydraulic fracturing.

A complete ban on land spreading of shale gas drilling waste fluids and a prohibition on the use of reserve pits or centralized impoundments for fracking fluids and flowback water.

Alignment of DEC's gas drilling permit rules with the requirements of secondary lending institutions covering oil and gas activity on mortgaged properties. These include pre-approval from banks and other lenders before signing gas leases, minimum setback requirements from residential structures, prohibition on certain drilling and process equipment, title insurance requirements, property assessments, and more.

Await the results of the U.S. Environmental Protection Agency's comprehensive study on hydraulic fracturing and water resources, which I initiated in 2009, before making a final decision on this issue.

You are, and have been, an outstanding governor and I am deeply proud of the way you have led our state over the last year and a half. I know you want what's best for New York and I appreciate your consideration of my views as you contemplate the future of shale gas drilling in our great state.

Best regards.

Sincerely,

Maurice D. Hinchey